

TEXAS TRANSPORTATION COMMISSION

EL PASO County

MINUTE ORDER

Page 1 of 2

EL PASO District

In the city of El Paso, EL PASO COUNTY, on FARM TO MARKET ROAD 1109, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 1035, Page 269 and Volume 1043, Page 466, Deed Records of El Paso County, Texas, and the state used certain land to which there is no record title in the state's or county's name.

Minute Order 110125, passed June 30, 2005, provided that FM 1109 was removed from the highway system subject to the award of the construction contract by the Texas Department of Transportation for a new non-freeway facility.

An award for the construction contract has not been granted, and the county has requested that the highway be removed from the system and turned over to the county.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended that FM 1109 from SH 20 to the Rio Grande, shown on Exhibit A, be removed from the state highway system and that control, jurisdiction and maintenance be transferred to the county.

The surplus land acquired by the state (surplus state land) and the surplus no-title land, described in Exhibits B, C and D, are no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property and may recommend the quitclaim to the county of any interest that might have accrued to the state by use of the property, if there is no record title to the property.

The fair value of the surplus state land has been determined to be \$3,200, and the state's costs for maintenance over the next 20 years is estimated to be \$44,690.

The county has requested that control, jurisdiction and maintenance be transferred to the county, that the surplus state land be transferred to the county and that the surplus no-title land be quitclaimed to the county.

The commission finds \$3,200 to be a fair and reasonable value of the state's rights, title and interest in the surplus state land.

IT IS THEREFORE ORDERED by the commission that MO 110125 is amended to delete the condition of a prior award of a construction contract, and FM 1109 from SH 20 to the Rio Grande is removed from the system and transferred to the county for control, jurisdiction and maintenance, a distance of approximately 4.11 miles.

TEXAS TRANSPORTATION COMMISSION

EL PASO County

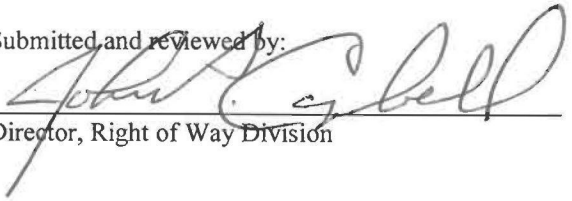
MINUTE ORDER

Page 2 of 2

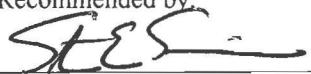
EL PASO District

FURTHER, the commission finds that the surplus state land and the surplus no-title land are no longer needed for a state highway purpose and that the value of the surplus state land is less than \$10,000. The commission authorizes the executive director to execute a proper instrument transferring all of the state's rights, title and interest in the surplus state land to the El Paso County, Texas, in consideration of the savings to the state of future maintenance costs. The commission also recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument quitclaiming the state's rights and interest in the surplus no-title land to El Paso County, Texas. The commission further finds that, under the circumstances, it would be impracticable for the state to reserve the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus state land.

Submitted and reviewed by:


Director, Right of Way Division

Recommended by:


for Executive Director

112287 MAY 27 10

Minute
Number

Date
Passed

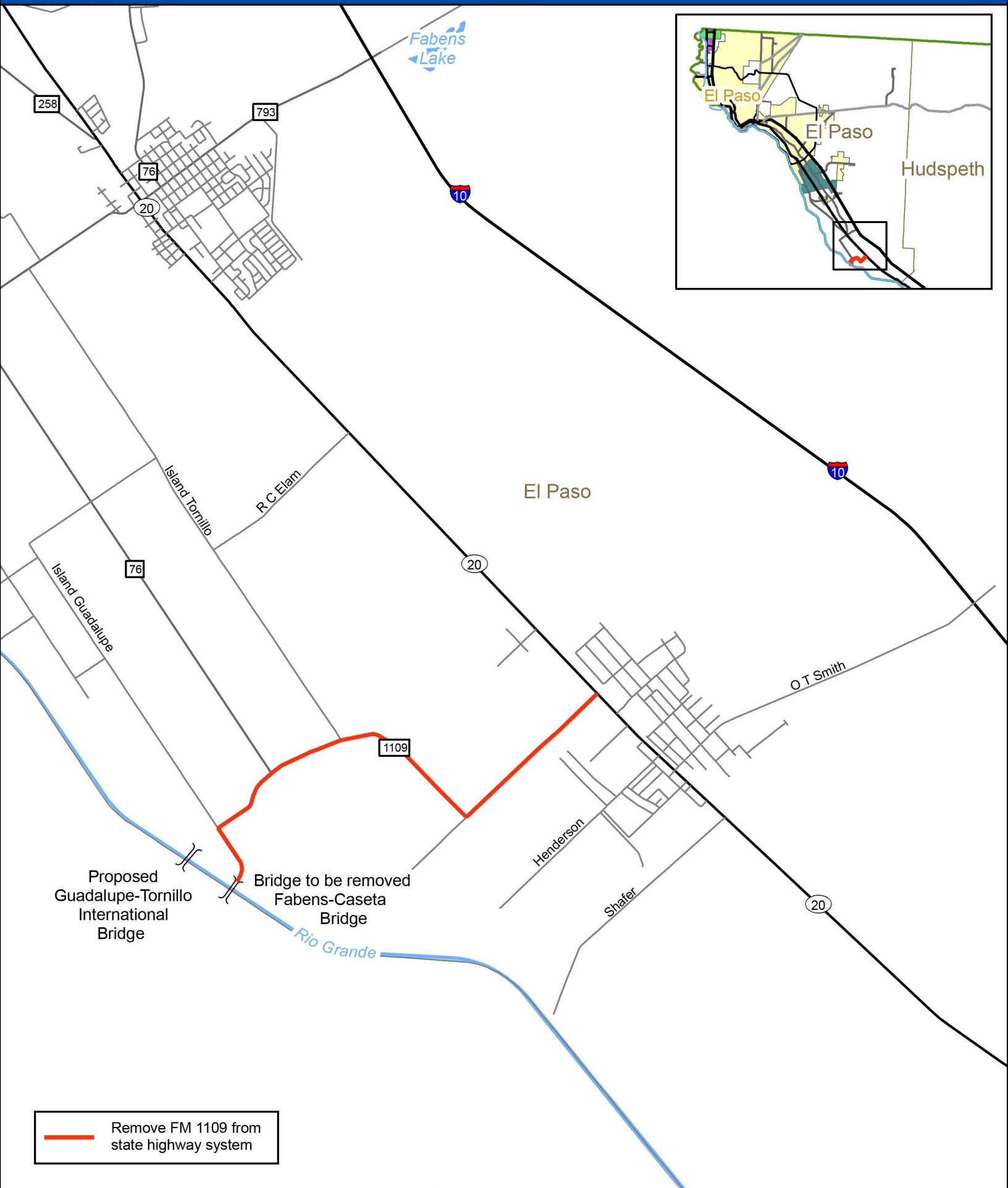


EXHIBIT B

All of and the same land, identified as Parcel 9, conveyed to the State of Texas by Right of Way Deed dated July 6, 1951, recorded in Volume 1035, Page 269, Deed Records of El Paso County, Texas, and all of and the same land, identified as Parcel 12A, conveyed to the State of Texas by Right of Way Deed dated September 17, 1951, recorded in Volume 1043, Page 466, Deed Records of El Paso County.

EXHIBIT C

Tract 1, Page 1 of 2

COUNTY:	El Paso
HIGHWAY:	Farm to Market 1109
LIMITS:	From Interstate Highway 10 to Fabens bridge
CSJ:	0002-15-012
OWNER:	State of Texas thru Texas Department of Transportation

Property Description for Tract 1

BEING 16,892 SQUARE FEET OR 0.388 ACRE PORTION OF LAND OUT OF F.M 1109, ALSO KNOWN AS ISLAND GUADALUPE ROAD, IN BLOCK 65, SAN ELIZARIO GRANT, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron found at the centerline of Island Guadalupe Road and the most northerly corner of Tract 13, Block 65, San Elizario Grant, from which a found 1" iron pipe at the southwest corner of Tract 13, bears South 55°53'26" West, a distance of 1391.11 feet;

THENCE, South 33°49'27" East, along the centerline of Island Guadalupe Road, passing the intersection of Island Guadalupe Road and F.M. 1109 at 1684.26 feet, a total distance of 1738.50 feet to a point;

THENCE, North 56°23'37" East, a distance of 25.00 feet, to a 5/8" rebar with aluminum cap marked "FXS RPLS 2198" set at the northeasterly right-of-way of F.M. 1109 and the westerly line of a certain parcel of land described November 1, 1978, in book 1052, Page 1845, Deed Records, EL Paso County, Texas;

THENCE, South 33°49'27" East, along the right-of-way line of said F.M. 1109, a distance of 1432.75 feet, to a point;

THENCE, continuing along said right-of-way line, 476.28 feet along a curve to the right, having a radius of 646.91 feet, a central angle of 42°11'00", and a chord which bears South 12°43'57" East, a distance of 465.59 feet, to a point;

THENCE, South 08°21'33" West, continuing along said right-of-way line, a distance of 13.33 feet, to a point;

THENCE, continuing along said right-of-way line, 7.33 feet, along the curve to the right, having a radius of 603.00 feet, a central angle of 00°41'46", and a chord which bears South 08°42'25" West, a distance of 7.33 feet, to a 5/8" rebar with aluminum cap marked "FXS RPLS 2198" set on the southerly line of that certain parcel of land described April 25, 1967, in Book 170, Page 1721, Deed Records, EL Paso County, Texas, for the POINT OF BEGINNING of this description;

1. THENCE following a curve to the right, continuing along the right-of-way line of said road, a Radius of 603.00 feet, a Delta Angle of $24^{\circ}30'44''$, an Arc Length of 257.98 feet, and a Chord Bearing and Distance of South $21^{\circ}18'40''$ West, a distance of 256.01 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
2. THENCE, South $33^{\circ}34'03''$ West, continuing along said right-of-way line, a distance of 90.87 feet, to a concrete nail set on the northerly right-of-way line of the International Boundary and Water Commission property;
3. THENCE, North $56^{\circ}25'20''$ West, along said right of-way line, a distance of 49.98 feet, to a found 5/8" rebar with plastic cap marked "Tim Fuller RPLS 5416" at the westerly right-of-way line of F.M. 1109;
4. THENCE, North $33^{\circ}34'03''$ East, along said right-of-way line, a distance of 90.96 feet, to a found 5/8" rebar with plastic cap marked "Tim Fuller RPLS 5416";
5. THENCE following a curve to the right, continuing along the right-of-way line of said road, a Radius of 553.00 feet, a Delta Angle of $24^{\circ}30'17''$, an Arc Length of 236.51 feet, and a Chord Bearing and Distance of North $21^{\circ}18'53''$ East, a distance of 234.71 feet, to a found 5/8 inch rebar with plastic cap marked "Tim Fulmer RPLS 5416";
6. THENCE, South $80^{\circ}56'16''$ East, a distance of 49.93 feet, to the POINT OF BEGINNING, containing 0.388 Acres (16,892 S.F.) of land, more or less.


This property description I accompanied by a parcel plat of even date.

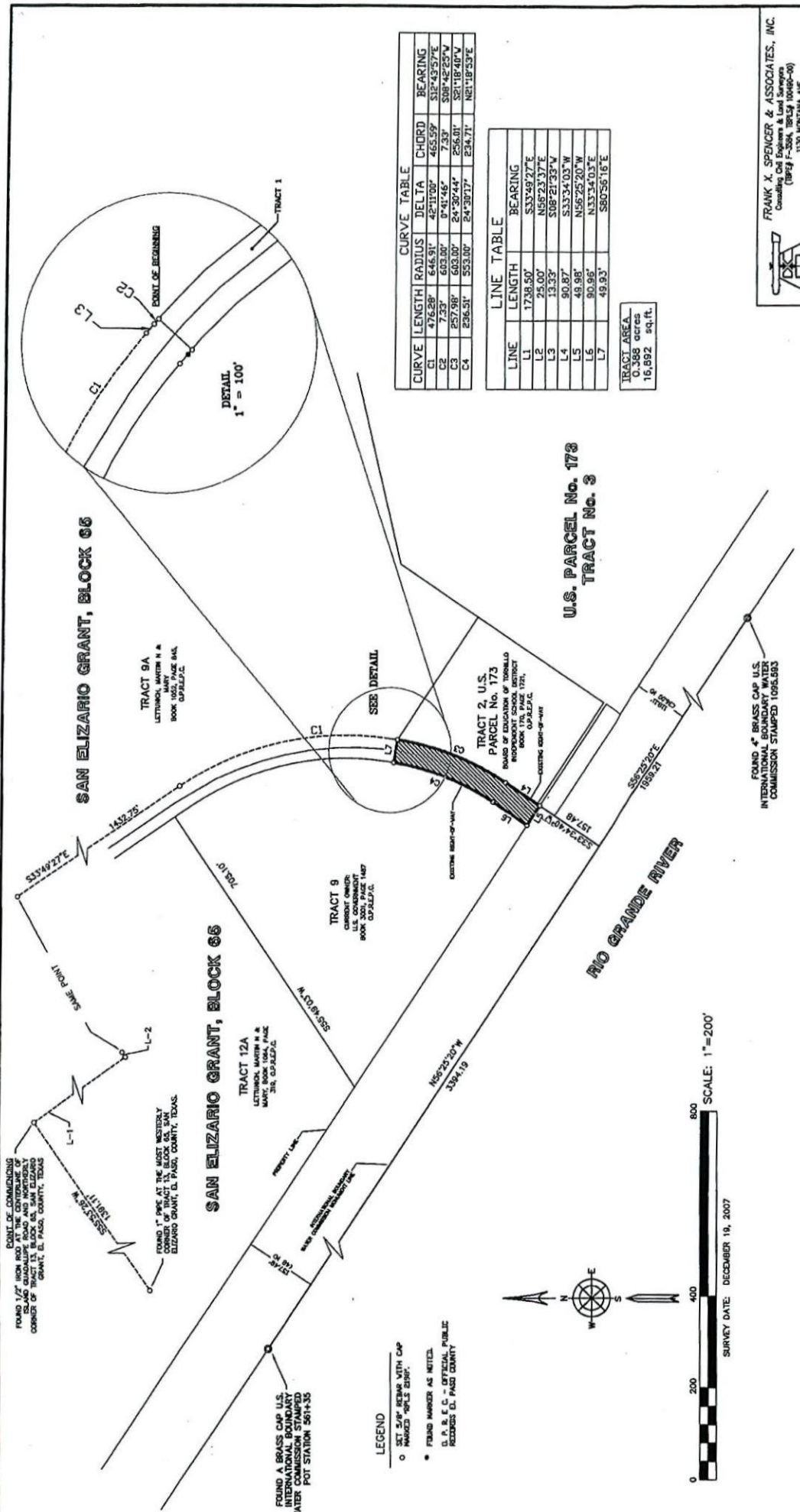
Revised January 12, 2010

Note: Bearings are based on Texas State Plane Coordinate System, Central Zone, NAD 83 (1992 Adjustment)

Date: 19th day of December, 2007




Charles Gutierrez, RPLS
Registered Professional Land Surveyor
No. 5572



CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	173.50'	645.91'	46°11'08"	465.59'	S15°43'57"E
C2	7.33'	25.00'	7.33'	7.33'	S08°42'25"W
C3	257.98'	603.00'	24°32'44"	258.01'	S21°18'40"W
C4	236.51'	553.00'	24°38'17"	234.71'	N61°18'53"E

LINE TABLE

LINE	LENGTH	BEARING
L1	173.50'	S33°49'27"E
L2	25.00'	N55°25'01"W
L3	13.33'	S08°21'33"W
L4	90.87'	S33°43'03"W
L5	49.98'	N55°25'20"W
L6	80.65'	S33°54'03"E
L7	49.93'	S89°56'16"E

TRACT AREA
0.388 acres
16,892 sq. ft.

FRANK X. SPENCER & ASSOCIATES, INC.
Consulting Civil Engineers & Land Surveyors
(1987 F-3000, 1987C 10000-00)
EL PASO, TEXAS 79902
(915) 633-4000

DATE OF ABSTRACT: 000, XXXX
Texas Department of Transportation
EL PASO DISTRICT

RIGHT OF WAY ACQUISITION
OVER LANDS NOW OR LATE OF:
STATE OF TEXAS
SITUATED IN: EL PASO COUNTY, TEXAS

TRACT 1

Account
Parcel:
ROW CSJ 0002-15-012
Date
Draw By
Checked
Sheet of

LEGAL: A PORTION OF FARM TO MARKET ROAD F.M. 1109
SAN ELIZARIO GRANT, BLOCK 65

WHOLE: 0.388 ACRES
REQUIRED: 00.00 ACRES
REMAINING: 00.00 ACRES



I hereby certify that this survey was performed on the ground and that the survey shows the facts found at the time of said survey.

Charles Henry Gutierrez
Registered Professional Land Surveyor
No. 5572

2/16/10



- LEGEND
- SET 5/8" REBAR WITH CAP MARKS "P.C. 1234"
 - * FOUND MARKER AS NOTED
 - U.S. & C. - OFFICIAL PUBLIC RECORDS EL PASO COUNTY

EXHIBIT D

Tract 2, Page 1 of 2

COUNTY: El Paso
HIGHWAY: Farm to Market 1109
LIMITS: From Interstate Highway 10 to Fabens bridge
CSJ: 0002-15-012
OWNER: State of Texas thru Texas Department of Transportation

Property Description for Tract 2

BEING 96,623 SQUARE FEET OR 2.218 ACRE PORTION OF LAND OUT OF F.M 1109, ALSO KNOWN AS ISLAND GUADALUPE ROAD, IN BLOCK 65, SAN ELIZARIO GRANT, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron found at the centerline of Island Guadalupe Road and the most northerly corner of Tract 13, Block 65, San Elizario Grant, from which a found 1" iron pipe at the southwest corner of Tract 13, bears South 55°53'26" West, a distance of 1391.11 feet;

THENCE, South 33°49'27" East, along the centerline of Island Guadalupe Road, passing the intersection of Island Guadalupe Road and F.M. 1109 at 1684.26 feet, a total distance of 1694.94 feet to a set MAG nail for the POINT OF BEGINNING of this description;

1. THENCE, South 33°49'27" East, along said centerline, a distance of 43.56 feet, to a set 5/8" rebar;
2. THENCE, North 56°23'37" East, a distance of 25.00 feet, to a 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198" set on the northerly right-of-way line of F.M. 1109, and the most westerly corner of a certain parcel of land described January 1, 1978, Book 1052, Page 1845, Deed Records, El Paso County, Texas;
3. THENCE, South 33°49'27" East, along said right-of-way line, a distance of 1432.75 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
4. THENCE following a curve to the right, continuing along the right-of-way line of said road, a Radius of 646.91 feet, a Delta Angle of 42°11'00", an Arc Length of 476.28 feet, and a Chord Bearing and Distance of South 12°43'57" East, a distance of 465.59 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
5. THENCE, South 08°21'33" West, continuing along said right-of-way line, a distance of 13.33 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
6. THENCE following a curve to the right, continuing along the right-of-way line of said road, a Radius of 603.00 feet, a Delta Angle of 0°41'46", an Arc Length of 7.33 feet, and a Chord Bearing and Distance of South 8°42'25" West, a distance of 7.33 feet, to a 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198" set on the southwesterly corner of a certain parcel of land described April 25, 1967, Book 170, Page 1721, Deed Records, El Paso County, Texas;

7. THENCE, North $80^{\circ}56'16''$ West, a distance of 49.93 feet, to a found set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
8. THENCE following a curve to the left, continuing along the right-of-way line of said road, a Radius of 553.00 feet, a Delta Angle of $08^{\circ}42'11''$, an Arc Length of 6.79 feet, and a Chord Bearing and Distance of North $08^{\circ}42'39''$ East, a distance of 6.79 feet, to a found 5/8" rebar with plastic cap marked "Tim Fuller RPLS 5416" at the westerly right-of-way line of F.M. 1109;
9. THENCE, North $08^{\circ}21'33''$ East, along said right-of-way line, a distance of 13.17 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
10. THENCE following a curve to the left, continuing along the right-of-way line of said road, a Radius of 596.91 feet, a Delta Angle of $42^{\circ}11'00''$, an Arc Length of 439.47 feet, and a Chord Bearing and Distance of North $12^{\circ}43'57''$ West, a distance of 429.61 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
11. THENCE, North $33^{\circ}49'27''$ West, continuing along said right-of-way line, a distance of 1476.52 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
12. THENCE, North $56^{\circ}10'33''$ East, a distance of 25.00 feet, to the POINT OF BEGINNING, containing 2.218 Acres (96,623 S.F.) of land, more or less.

This property description I accompanied by a parcel plat of even date.

Revised January 12, 2010

Note: Bearings are based on Texas State Plane Coordinate System, Central Zone, NAD 83 (1992 Adjustment)

Date: 19th day of December, 2007

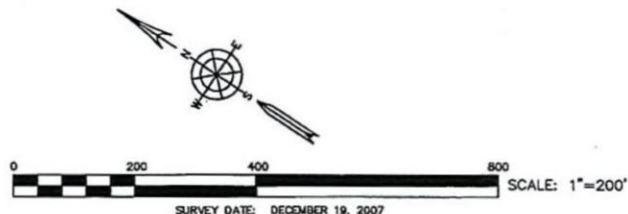


Charles Gutierrez, RPLS
Registered Professional Land Surveyor
No. 5572

SAN ELIZARIO GRANT BLOCK 65

TRACT 8A
BOOK K, FIELD
BOOK 987, PAGE 481,
O.P.R.E.P.C.

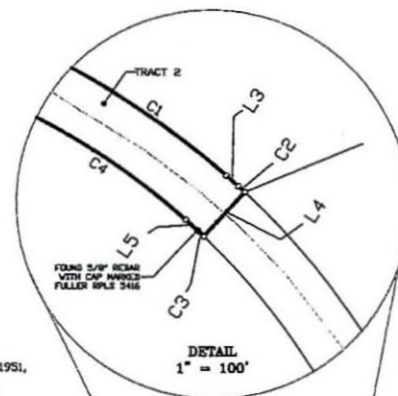
FARM TO MARKET ROAD 1109



SAN ELIZARIO GRANT, BLOCK 65

TRACT 9A
LETIRANCH, MARTIN H & MARY
BOOK 1052, PAGE 848,
O.P.R.E.P.C.

THIS LINE DESCRIBED JANUARY 1, 1951,
IN BOOK 1036, PAGE 0269 DEED
RECORDS, EL PASO COUNTY TEXAS.



**U.S. PARCEL No. 173
TRACT No. 3**

ISLAND TORNILLO ROAD
POINT OF COMMENCING
FOUND 1/2" IRON ROD AT THE
CONTINGENT OF ISLAND
QUADALUPE ROAD AND
NORTHEASTLY CORNER OF TRACT
13, BLOCK 65, SAN ELIZARIO
GRANT, EL PASO COUNTY,
TEXAS

FOUND 1" PIPE AT THE
MOST WESTERLY CORNER
OF TRACT 13, BLOCK 65,
SAN ELIZARIO GRANT, EL
PASO COUNTY, TEXAS.

TRACT 13
POORZELUS, KENNETH
BOOK 1054, PAGE 1361,
O.P.R.E.P.C.

THIS LINE DESCRIBED SEPTEMBER 17,
1951, IN BOOK 1043, PAGE 0466 DEED
RECORDS, EL PASO COUNTY TEXAS.

LINE TABLE		
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L1	43.56'	S33°49'27"E
L2	25.00'	N56°23'37"E
L3	13.33'	S08°21'33"W
L4	49.93'	N80°56'16"W
L5	13.17'	N08°21'33"E
L6	25.00'	N56°10'33"E

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	476.28'	646.91'	42°11'00"	465.59'	S12°43'57"E
C2	7.33'	603.00'	0°41'46"	7.33'	S08°42'25"W
C3	6.79'	533.00'	08°42'11"	6.79'	N08°42'39"E
C4	439.47'	596.91'	42°11'00"	429.61'	N12°43'57"W

SAN ELIZARIO GRANT, BLOCK 65

SAN ELIZARIO GRANT BLOCK 65

LEGEND

- SET 5/8" REBAR WITH CAP MARKED "RPLS 2190"
- FOUND MARKER AS NOTES
- S. P. R. E. C. - OFFICIAL PUBLIC RECORDS EL PASO COUNTY

I hereby certify that this survey was performed on the ground under my supervision, that this plot of survey shows the facts found at the time of said survey.



Charles H. Gutierrez c/h/g
Charles Henry Gutierrez
Registered Professional Land Surveyor
No. 5572

LEGAL: A PORTION OF FARM TO MARKET ROAD F.M. 1109
SAN ELIZARIO GRANT, BLOCK 65

WHOLE: 2.218 ACRES
96,623 SQ. FT.
REQUIRED: 00.00 ACRES
00.00 SQ. FT.
REMAINING: 00.00 ACRES
00.00 SQ. FT.

DATE OF ABSTRACT: XXX XXXX

Texas Department of Transportation
EL PASO DISTRICT

RIGHT OF WAY ACQUISITION

OVER LANDS NOW OR LATE OF :
STATE OF TEXAS
SITUATED IN : EL PASO COUNTY, TEXAS

FRANK X. SPENCER & ASSOCIATES, INC.
Consulting Civil Engineers & Land Surveyors
(TSP# F-3504, TSP# 100490-00)
1130 MONTANA AVE.
EL PASO, TEXAS 79902
(915) 533-4600

1.	REDRAWN	2/16/10	CG
REV.	DESCRIPTION	DATE	BY
	TRACT 2		
Account	Parcel:		
ROW CSJ	0002-15-012		
Date			
Draw By	Checked		
Sheet	of		